



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

December 1, 2021

**By ECF**

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Sorokin v. Dubois*, 21-cv-9452 (JMF)

Dear Judge Furman:

I write respectfully on behalf of the parties in the above-referenced habeas corpus matter. The parties are scheduled to appear before Your Honor on Monday, December 6, 2021, for an initial conference. In accordance with the Court's order of November 30, 2021 (ECF No. 4), the parties have conferred about this case in advance of the conference, and request that this matter be held in abeyance, as set forth below. And in light of the below, the parties believe that a conference is unnecessary at this time and are content with the Court cancelling the conference.

Before this second habeas action was filed on November 15, 2021, the Board of Immigration Appeals ("BIA") had issued a decision dismissing the petitioner's asylum appeal on October 21, 2021. The petitioner alleges that she did not receive notice of that decision until after the 30-day deadline to file a petition for review ("PFR") with the Second Circuit had elapsed, and so on November 24, 2021, the petitioner filed a motion with the BIA to reissue the decision denying her BIA appeal so that she could file a timely PFR. She also moved the BIA for an emergency stay of removal. On November 29, 2021, shortly before the petitioner's removal was apparently set to occur, the BIA granted a stay of removal pending its consideration of the petitioner's motion to reissue. ICE filed its opposition to the petitioner's motion to reissue today, December 1. The petitioner's motion remains pending with the BIA as of today's date, and it is uncertain how long it will take the BIA to resolve that motion.

Thus, given the above developments, which impact the viability of the petitioner's habeas claims, the parties agree that it would be prudent to hold this matter in abeyance until the BIA issues a decision on the petitioner's motion to reissue. In the meantime, the government will obtain the transcript of the October 7 bond hearing so as to not delay the matter in the event that that challenge ends up going forward. And if acceptable to the Court, the parties propose that, within three business days after the parties receive notice of the BIA's decision, that they be permitted to submit a joint letter informing the Court of that decision and proposing how the matter should proceed at that point.

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We thank the Court for its consideration of this submission.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/ Brandon M. Waterman  
BRANDON M. WATERMAN  
Assistant United States Attorney  
86 Chambers Street, Third Floor  
New York, New York 10007  
Tel. (212) 637-2741

cc: Audrey Thomas, Esq. (by ECF)  
*Counsel for Petitioner*